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9 Attorney for Protestants Save the California Delta Alliance, et al.

10 **BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

11 **IN RE CALIFORNIA WATERFIX**
12 **CALIFORNIA DEPARTMENT OF**
13 **WATER RESOURCES AND U.S.**
14 **BUREAU OF RECLAMATION**
15 **PETITION FOR CHANGES IN**
16 **WATER RIGHTS, POINTS OF**
17 **DIVERSION/RE-DIVERSION**

18 **PROTESTANT SAVE THE CALIFORNIA**
19 **DELTA ALLIANCE, ET AL.'s WRITTEN**
20 **TESTIMONY OF MICHAEL BRODSKY (Part**
21 **2 Rebuttal)**

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1 I Michael A. Brodsky, do hereby declare:

2 On cross-examination during Part 2, DWR witness Rischbieter testified that recreational
3 boaters would not abandon the Delta in large numbers due to the severity of construction impacts.
4 (Rec. Trans. Vol.11, p. 221:4–5, March 8, 2018.) This testimony and Exhibits SCDA-352-1–352-5
5 are submitted to rebut Mr. Rischbieter's assertion and to show that Delta boaters will abandon the
6 Delta in large numbers due to the severity of CWF construction impacts.

7 With the help of professional public opinion survey firms, I developed a survey designed to
8 measure the probable reaction of Delta boaters to the construction impacts of the CWF Project.

9 The survey was conducted at the Rio Vista Bass Derby on October 14 and October 15, 2017.
10 The Rio Vista Bass Derby is an annual event that draws thousands of Delta boaters to a fair held on
11 the Streets of Rio Vista, California.

12 The surveys were administered to Delta boaters attending the fair by 15 survey takers over
13 the two days. 220 surveys were obtained over that period. 220 surveys is an adequate sample to
14 provide valid representative results of the opinions of Delta boaters as a whole. All of the
15 individuals who completed the surveys were boaters who use the Delta for their recreational
16 boating. The survey takers did not reveal who was sponsoring the survey or if they were for or
17 against the tunnel project. The survey takers were instructed not to, and did not, attempt to influence
18 the responses. I did not conduct any of the surveys or make myself visible to respondents as the
19 surveys were being taken to avoid recognition and any implicit influence on respondents. The
20 language of the survey is designed to be objective and not to sway respondents one way or the
21 other. The multiple choice questions included answers that respondents could choose that would
22 indicate that they were not bothered by CWF construction and that they would not change their
23 boating habits in response to CWF. The description of the project that was given to respondents
24 was read directly from the survey forms, including language quoted directly from CWF proponent's
25 description of Project impacts in the EIR. The graphic depiction of the project shown to respondents
26 was that found at SCDA-72.

27 The raw survey sheets, with responses, are submitted as SCDA-352-1–SCDA-352-5. Due to
28 file size and scanning issues the 220 surveys are provided in five pdf files. SCDA-352-1–SCDA-

1 352-5 are true and correct copies of the survey forms and responses that were administered at the
2 Rio Vista Bass Derby on October 14 and 15, 2017.

3 Pertinent Questions and results are as follows:

4 14. Once the tunnel construction project begins, which of the following best describes the likely
5 change in the frequency of your boating activity in the Delta overall in response to the construction
described above?

- 6 A. No change in frequency of boating activity in the Delta overall
- 7 B. Some reduction in frequency of boating activity in the Delta overall
- 8 C. Significant reduction in frequency of boating activity in the Delta overall
- 9 D. Increase in frequency of boating activity in the Delta overall.
- 10 E. I will stop boating in the Delta altogether.

11 Forty-four percent of respondents answered C, a significant reduction in their use of the
12 Delta, twenty-one percent answered B, some reduction in their use of the Delta, and twenty-two
13 percent answered E, that they would stop boating in the Delta altogether, for a total of eighty-seven
14 percent of respondents who said they would reduce, or stop altogether, their use of the Delta for
recreational boating in response to CWF construction activities.

15 15. Once tunnel construction begins, which of the following best describes the likely change in the
location of your boating activity?

- 16 A. No change in location of my boating activity.
- 17 B. I would change the location of my boating within the Delta to avoid construction activity but
would not switch to boat at locations other than the Delta.
- 18 C. I would occasionally avoid the Delta by switching to boat at locations other than the Delta.
- 19 D. I would often avoid the Delta by switching to boat at locations other than the Delta.
- 20 E. I would always avoid the Delta by switching to boat at locations other than the Delta.

21 Twenty-six percent of respondents answered E, that they would always avoid the Delta by
22 switching their boating to locations other than the Delta once tunnel construction began. Twenty-
23 four percent answered D, that they would often avoid the Delta by switching their boating to
24 locations other than the Delta once tunnel construction began. Eighteen percent answered C, that
25 they would occasionally switch their boating to locations other than the Delta once tunnel
26 construction began. This represents a total of 68% of respondents who said they would switch some
27 or all of their boating activity away from the Delta in response to CWF construction activities. The
answers to questions 14 and 15 are consistent with each other.

1 After answering questions 14 and 15, respondents were informed of DWR's promises to
2 implement a barge operations plan and use their best efforts thereby to reduce or avoid barge
3 impacts on recreation. Question 17 was designed to measure boater's confidence in DWR's promise
4 to avoid impacts through a barge operations plan.

5 17. Which of the following best describes your reaction to DWR's intention to implement a barge
6 operations plan?

- 7 A. I have no reaction one way or the other.
- 8 B. I am somewhat confident that DWR will make a good faith effort to reduce muddy water and general
9 impacts to recreation.
- 10 C. I am very confident that DWR will make a good faith effort to reduce muddy water and general
11 impacts to recreation.
- 12 D. I somewhat confident that DWR will not make a good faith effort to reduce muddy water and general
13 impacts to recreation.
- 14 E. I am very confident that DWR will not make a good faith effort to reduce muddy water and general
15 impacts to recreation.

16 Seventy-six percent answered E, that they were very confident that DWR would not make a good
17 faith effort to reduce impacts to recreation. Fourteen percent answered D, that they were somewhat confident
18 that DWR would not make a good faith effort to reduce impacts to recreation, for a total of ninety percent of
19 respondents who somewhat or very much lacked confidence in DWR's good faith.

20 After answering questions 17, boaters were given additional information about construction
21 impacts taken directly from Project Proponent's EIR--specifically with regard to impacts on traffic
22 on Delta roadways including Highway 12. Boaters were also given information about draw bridge
23 openings that would be required if barges are to be used to supply construction activities. Boaters
24 were then asked question 18, which asks specifically about their likely response to CWF
25 construction impacts on road traffic in the Delta.

26 18. Which of the following best describes your response to construction vehicles using Delta
27 roadways and bridge openings for barge traffic?

- 28 A. Construction vehicles and bridge openings will not affect my use of the Delta for recreation.
- 29 B. Construction vehicles and bridge openings will cause me to use the Delta for recreation
30 somewhat more often.
- 31 C. Construction vehicles and bridge openings will cause me to use the Delta for recreation
32 much more often.
- 33 D. Construction vehicles and bridge openings will cause me to use the Delta for recreation
34 somewhat less often.
- 35 E. Construction vehicles and bridge openings will cause me to use the Delta for recreation
36 much less often.

1 F. Construction vehicles and bridge openings will cause me to stop using the Delta for
2 recreation altogether.

3 Forty-seven percent answered E, that construction vehicles and bridge openings would cause
4 them to use the Delta for recreation much less often. Twenty-nine percent answered F, that
5 construction vehicles and bridge openings would cause them to stop using the Delta for recreation
6 altogether, for a total of seventy-six percent who would use the Delta much less often or stop using
7 the Delta for recreation entirely in response to impacts from CWF on road traffic in the Delta.

8 Executed this 11th day of July 2018 in Discovery Bay, California.

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11 Michael A. Brodsky

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